

3 provided for, the court on rendering judgment may make an equitable  
4 apportionment of costs.

[C. C. 7614.]

Approved February 19, A. D. 1923.

## CHAPTER 270

### PROBATE COURT

S. F. 235

AN ACT to provide for a change of venue in probate proceedings and the manner of transferring the same.

*Be it enacted by the General Assembly of the State of Iowa:*

1 **SECTION 1. Transfer of proceedings in probate.** That in any pro-  
2 ceeding in probate the court may, on written showing, supported by  
3 affidavit and on such notice to interested parties as the court may  
4 prescribe, transfer such proceeding to any other county, when it is  
5 made to appear that such transfer will be in furtherance of justice,  
6 and the same shall thereupon be pending in such other county.

1 **SEC. 2. Duty of clerk.** The clerk of the court ordering the transfer  
2 shall retain the original files and papers, but shall make a certified  
3 copy thereof, and of all record entries pertaining to the proceedings,  
4 and at once file the same in the office of the clerk of the court to which  
5 the transfer has been made.

1 **SEC. 3. Record required.** The clerk of the court to which the  
2 proceedings are transferred shall record at length, in the probate  
3 records of his county, the certified copy of the record entries referred  
4 to in the preceding section.

Approved February 16, A. D. 1923.

## CHAPTER 271

### FORCIBLE ENTRY OR DETENTION

S. F. 243

AN ACT to amend, revise and codify sections eighty hundred eighty-seven (8087) and eighty hundred eighty-nine (8089) of the compiled code of Iowa, relating to forcible entry or detention of real property.

*Be it enacted by the General Assembly of the State of Iowa:*

That eighty hundred eighty-seven (8087) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Grounds.** A summary remedy for forcible entry or  
2 detention of real property is allowable:

- 3 1. Where the defendant has by force, intimidation, fraud or stealth
- 4 entered upon the prior actual possession of another in real property,
- 5 and detains the same.
- 6 2. Where the lessee holds over after the termination of his lease.
- 7 3. Where the lessee holds contrary to the terms of his lease.
- 8 4. Where the defendant continues in possession after a sale by
- 9 foreclosure of a mortgage, or on execution, unless he claims by a title
- 10 paramount to the lien by virtue of which the sale was made, or by
- 11 title derived from the purchaser at the sale; in either of which cases
- 12 such title shall be clearly and concisely set forth in the defendant's
- 13 pleading.
- 14 5. For the nonpayment of rent, when due.

[C. C. 8087.]

That section eighty hundred eighty-nine (8089) of the compiled code of Iowa is amended, revised and codified to read as follows:

- 1 SEC. 2. Notice to quit. Before action can be brought in any except
- 2 the first of the above classes, three (3) days' notice to quit must be
- 3 given to the defendant in writing. When the tenancy is at will and
- 4 the action is based on the ground of the nonpayment of rent when
- 5 due, no notice of the termination of the tenancy other than the three
- 6 (3) day notice need be given before beginning the action.

[C. C. 8089.]

Approved February 16, A. D. 1923.

## CHAPTER 272

### ILLEGITIMATE CHILDREN

H. F. 244

AN ACT to amend, revise and codify section eight thousand three hundred sixty-six (8366) of the compiled code of Iowa, relating to the paternity of illegitimate children.

*Be it enacted by the General Assembly of the State of Iowa:*

That section eight thousand three hundred sixty-six (8366) of the compiled code of Iowa is amended, revised and codified to read as follows:

- 1 SECTION 1. Judgment and execution—costs. If the accused be
- 2 found guilty, he shall be charged with the maintenance of the child
- 3 in such sum or sums, and in such manner, as the court shall direct,
- 4 and with the costs of the action; and the clerk may immediately issue
- 5 execution for any sum ordered to be paid, and afterward, from time
- 6 to time, as it shall be required to compel compliance with the order of
- 7 the court. If the accused be found not guilty, the costs of the action
- 8 shall be paid by the county.

[C. C. 8366, modified.]

Approved February 19, A. D. 1923.